CR/1500/ C & /1500/ (5)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR,

CHHATTISGARH

WRIT PETITION NO.3186 OF 2004

PETITIONER:

1. Hori Ram Dewangan, S/O Late Shri Sam Rath Dewangan, Aged about 54 years, Accounts Officer, Head Office of Chhattisgarh State Marketing Federation, Raipur (C.G.).

2. Awadesh Kumar Singh, S/O Late Shri R.D. Singh, Aged about 54 years, District Marketing Officer, Chhattisgarh State Marketing Federation, District Branch, Raipur (C.G.).

3. Narendra Kumar Sharma, S/O Shri Janaklal Sharma, Aged about 50 years, Manager, Kisan Rice Mill, Palari, District Raipur (C.G.).

4. Suresh Rao Kadam, S/O Shri Laxman Rao Kadam, Aged about 49 years, District Marketing Officer, Janjgir, District Janjgir – Champa (C.G.).

5. Nawal Kishore Agrawal, S/O Late Shri Lalji Agrawal, Aged about 54 years, District Marketing Officer, Ambikapur (C.G.).

6. Bodhiram Singhsarvey, S/O Late Shri Vishram Singhsarvey, Aged about 58 years, Assistant Accounts Officer, District Marketing Office, Raipur (C.G.).

P.R. No.....
Presented by Shri.....
dated.....

6/9/04

7. Daulat Ram Choudhary, S/O Shri Tikamlal Choudhary, Aged about 54 years, Sr. Assistant, P.F. Branch, Head Office of C.G. State Marketing Federation, Raipur (C.G.).

8. Dileram Kashyap, S/O Mohanlal Kashyap, Aged about 53 years, Manager, Kisan Rice Mill, Pamgarh.

9. Mahendra Singh Thakur, S/O. Shri Raghunandan Singh Thakur, Aged about 54 years, Manager, Kisan Rice Mill, Durg (C.G.).

10. Mudrika Prasad Gautam, S/O Shri Ramdulare Gautam, Aged about 58 years, Manager, Kisan Rice Mill, Baramkela, District Raigarh (C.G.).

11. Mani Shankar Pandey, S/O Shri Basant Lal Ji Pandey, Aged about 58 years, District Marketing Officer, Raigarh (C.G.).

12. Jiwanlal Sahu, S/O Shri Gautamlal Sahu, Aged about 55 years, District Marketing Officer, Kawardha (C.G.).

13. M.L. Pandey, S/O Shri H.P. Pandey, Aged about 61 years, Retd. District Marketing Officer, Accounts Officer, C.G. State Co-operative Marketing Federation Ltd., R/O Arvindnagar, Indira Vihar, Sarkanda, Bilaspur (C.G.).

14. Ganesh Prasad Soni, S/O Late Shri Chheddu Lal Soni, Aged about 61 years, R/O Mahoba Bazar, Hirapur Road, Sarvoday Colony, Tatibandh, Raipur (C.G.).

15. Sukh Sagar Singh Thakur, S/O Late Shri Kundal Singh Thakur, Retired Manager, Kisan Rice Mill, Bandha Bazar, Rajnandgaon, presently residing at Village Kewtara, P.O. Saja, District Durg (C.G.).

Versus

RESPONDENTS:

1. Chhattisgarh State Co-operative Marketing Federation Ltd.,
Through : its Secretary,
880, Civil Lines, Head Quarter, Raipur (C.G.).

2. Managing Director,
Chhattisgarh State Co-operative Marketing Federation Ltd., Raipur (C.G.).

3. Accountant General,
Madhya Pradesh, Gwalior (M.P.).

4. Accountant General,
Chhattisgarh, Raipur (C.G.).

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.3186/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

04.01.2005

Shri B.D. Guru, counsel for the petitioner.

Shri Dashrath Gupta, Govt. Advocate for the State on advance copy.

I.A.No.6862 of 2004 for urgent hearing is allowed.

Heard.

These petitioners were also the petitioners in W.P.No.2710/2003 and W.P.No.2773/03. These two petitions were disposed of by a common order dated 13.2.2004 passed by this Court. The earlier petitions were preferred by the petitioners under Article 226/227 of the Constitution of India challenging the legality, validity and propriety of the orders of recoveries issued against them whereby the respondents had ordered for recovering the amounts running into lakhs of rupees from each of the petitioner because of the audit objection of the Accountant General, Gwalior. It was contended that the recovery was being made on the ground that during the posting of the petitioners in particular Kisan rice Mill in between years 1995-96, 1996-97 the shortage in quantity of Paddy was more than permissible limits. This Court vide order dated 13.2.2004 passed in the aforesaid two petitions directed that a detailed representations will be filed by the petitioners before the concerned authority and on such representations being filed, the concerned authority will consider all the points raised by the petitioners and

GL PRJ—FS/350—12/2000—50,000.

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 3186/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

shall decide the same within the stipulated period as mentioned in the aforesaid orders.

In consequence of the aforesaid orders passed by this Court in above two writ petitions, the authorities considered the case of the petitioners and ultimately an order dated 14.6.2004 (Annexure P-1) was passed. Learned counsel for the petitioners submits that in the last paragraphs of the order, a finding has been recorded that the deficiencies found in the quantity of paddy was within the permissble limits and for this reason only the recoveries against the petitioners were stayed. The contention of the learned counsel is that though the recovery has been stayed and the matter has been referred to the Government by the Managing Director, but the Government has not taken any dicision on the said reference and in fact, the matter is pending for final disposal. Learned counsel for the petitioners prays that a direction be issued to the State Government to dispose of the matter finally as has been referred by order No.Lekha/Audit/1135/2004 dated 05.6.2004/14.6.2004 passed by the Managing Director. The submission of the learned counsel is genuine.

The matter can be finally disposed of with a direction that the State Government will take final decision in this regard within a short period so that the matter may be ended for ever.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 3186/2004 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

In the interest of justice, this Court directs that the petitioners shall file a detailed representation alongwith a copy of this petition and annexures including the order dated 05.6.2004/14.6.2004 (Annexure P-1) before the concerned authorities within a period of 15 days from today alongwith the copy of this order and on such representation being filed, the authorities shall dispose of the matter finally within a period of 3 months from the date of receipt of such representation and shall take a final decision on the matter under reference vide Annexure-P/1.

With the aforesaid observations/directions, the petitions stands disposed of without notice to the other side.

Accordingly, M.W.P.No.2783/2004 and I.A.6802/2004 stand disposed of.

C.C. as per rules.

Sd/-
Sunil Kumar Sinha
Judge

Rao

GI.PRJ—FS/350—12/2000—50,000.

19/1/05